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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION THREE

In re C.C., a Person Coming Under the
Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

C.C.,

Defendant and Appellant.

A145273

(Sonoma County
Super. Ct. No. 36341-J)

C.C. appeals from an order of the juvenile court committing him to the Division of Juvenile Justice (the DJJ). His court-appointed counsel has filed a brief seeking our independent review of the record pursuant to *People v. Wende* (1979) 25 Cal.3d 436 to determine whether there are any arguable issues on appeal. We conclude there are no issues requiring further review and affirm.

BACKGROUND

C.C first became a ward of the court in 2010 following his admission to a count of battery on school grounds and a count of sexual battery. He was initially detained in his mother's home, but was placed in juvenile hall following a violation of probation with a plan to place him in a residential treatment program to address behavioral issues. C.C.'s misbehavior in a succession of residential programs made him difficult to place. Eventually, he entered residential treatment and completed a program in Sacramento in

March 2013. He was retained as a ward of the court and returned to his mother's custody. Probation services were successfully completed in September 2013, and the juvenile proceedings were dismissed.

In April 2014, new charges were filed alleging that C.C. had committed misdemeanor theft and felony dissuasion of a witness. The allegations were dismissed when the victim was unavailable to testify. C.C. was declared ineligible for deferred entry of judgment, and the allegations were alleged to be within the scope of Welfare and Institutions Code section 707, subdivision (b) requiring a hearing to determine whether he was a fit and proper subject for juvenile court.

Another petition was filed in September 2014, alleging C.C. had committed a robbery alleged as a serious and violent felony committed for the benefit of a criminal street gang. A second count alleged active participation in a criminal street gang. C.C. was detained in juvenile hall pending adjudication. He remained in juvenile hall after the charges were dismissed on October 3 because the prosecution had filed them in criminal court.

The criminal proceedings were dismissed effective October 16, and the robbery and gang allegations were refiled in juvenile court on October 17. C.C. moved to prevent the juvenile charges from being re-filed on the grounds that he was prejudiced by the passage of time due to the prosecution filing and dismissal in criminal court. The court denied the motion due to a lack of prejudice, but C.C. was released to the custody of his father pending adjudication on the ground that his jurisdictional hearing was impermissibly delayed due to the pendency of criminal proceedings.

When C.C. next appeared in court, he had reached an agreed disposition with the prosecution. C.C. admitted a single count of felony robbery, and a single misdemeanor count of participation in a criminal street gang. The court explored his understanding of the reasons for and implications of his admissions.

The probation department recommended C.C.'s commitment to the DJJ, and the juvenile court committed him to the DJJ for a 90-day diagnostic evaluation. When he next returned to court for disposition, the juvenile court calculated a maximum term of

confinement of five years and four months, and imposed a sentence of three years. C.C. was committed to the DJJ with 185 days of pre-sentence credit. The court imposed a \$100 restitution fine.

In determining the commitment to the DJJ, the juvenile court observed that there were 19 reports of discipline filed against C.C while he was at the DJJ for the diagnostic evaluation. He was adjudicated of a serious offense, and previous juvenile dispositions had not been effective in achieving C.C.'s rehabilitation. His educational needs could not be met at a camp facility, and he required a structured environment.

DISCUSSION

We have no reason to question the court's decision to allow the prosecution to refile the juvenile charges against C.C. upon dismissal by the criminal court. Although, C.C. remained in custody during the pendency of the criminal charges without a jurisdictional hearing, there appears no prejudice in this record apart from the passage of time. Nor is there any indication in this record that he attempted to make bail in the criminal case and was detained due to the juvenile charges without process.

Based upon our review of the record, we have no reason to question the sufficiency of the court's advisements, C.C.'s waivers of his rights or his admission to the charges. His admission appears knowing and voluntary.

C.C.'s counsel has represented to us that she advised C.C. of her intention to file a *Wende* brief in this case and of C.C.'s right to submit supplemental argument on his own behalf. He has not done so. There was no error. Our full review of the record discloses no issues that require further briefing.

DISPOSITION

The order is affirmed.

Siggins, J.

We concur:

McGuiness, P.J.

Pollak, J,

In re C.C., A145273